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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,322	06/07/2001	Ward Beryl Bowen JR.	87312.000003	8426
23387	7590	02/25/2004	EXAMINER	
Stephen B. Salai, Esq. Harter, Secrest & Emery LLP 1600 Bausch & Lomb Place Rochester, NY 14604-2711			PAK, JOHN D	
			ART UNIT	PAPER NUMBER
			1616	

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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09/876322

EXAMINER

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02082004

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Commissioner for Patents

The reply filed on 10/24/2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the amendments to claims do not meet the requirements of 37 CFR 1.121. New rules for amending the claims require all changes to be shown. Claim 79 from the amendment of 10/10/2003 is not the same as the claim 79 in the amendment of 10/24/2003, but the latter amendment does not show any changes. It is applicant's responsibility to ensure that all changes to the claims are indicated with markings. As there are 104 claims pending in this case, such a divergence from the previous claim to the current claim in claim 79 casts uncertainty with respect to numerous other claims.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

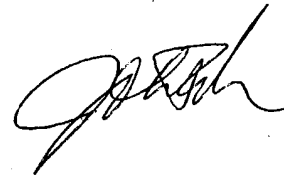
Applicant is advised of the following so that the next response will place the condition for allowance or in better condition for appeal. (I) The accepted Markush language is "selected from the group consisting of and [last species]." Claim 1, *for example*, does not follow this convention. The Examiner suggests, "selected from the group consisting of a multivalent transition metal ion, and a complex thereof; the species" The use of proper Markush language form, *supra*, eliminates the previous confusion as to requiring both the ion and the complex. (II) Claim 8, line 1: after "base" insert --- is ---. (III) Claim 42 should be rewritten at lines 2-3 as follows: ... comprising NAD⁺ and one member selected from the group consisting of vanadyl sulfate and a complex of vanadyl sulfate. (IV) If claims 83-110 (old claim numbers), which were previously withdrawn, wind up being examined in the next Office action, any deficiency in those claims will be rejected and will be made final since such a rejection would have been the result of applicant's amending of the claims. (V) Applicant is respectfully requested to review MPEP 2112 and 2112.01 with respect to rejection of compositions based on a prior art composition that does not expressly disclose the now-claimed new property.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JOHN PAK whose telephone number is (571)272-0620, effective February 3, 2004. The Examiner can normally be reached on Monday to Friday from 8 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Thurman Page, can be reached on (571)272-0602, effective February 3, 2004.

The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1235.



**JOHN PAK
PRIMARY EXAMINER
GROUP 1200**